

MINUTES OF THE
IDAHO BOARD OF PHARMACY
APRIL 16, 2003

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Chairman Mike Merrill, R.Ph. called the meeting to order at 9:00 A.M. In attendance were Board members Frank Casabonne, RPh; Dwayne Sheffler, RPh; Kitty Gurnsey and Marilyn Silcock, Pharm D. Also in attendance were Richard Markuson, Executive Director, Fred Collings, Senior Investigator, Lisa Culley, Compliance Officer and Kent Nelson, Deputy Attorney General.

Kitty Gurnsey asked for a correction to the March 7, 2003 minutes to clarify the license suspension of John Karl Hinz, D.D.S. The suspension should reference his Controlled Substance registration, not to be confused with his professional license. Frank Casabonne motioned for approval of minutes with correction. Motion seconded by Kitty Gurnsey. Motion carried.

Regarding citation #3717 issued to Mark Hofstetter R.Ph.: Frank Casabonne made a motion to fine Mr. Hofstetter \$100 and associated costs of investigation (costs to be determined); a letter of reprimand; review filling process and report said process to the Board. Seconded by Dr. Silcock. Kitty Gurnsey voted against. Motion carried.

Regarding citation #3720 issued to Mr. Mark Hofstetter, R.Ph.: Dr. Silcock made a motion to fine Mr. Hofstetter \$500 and associated costs of investigation (costs to be determined); a letter of reprimand, Kitty Gurnsey seconded. Motion unanimously carried.

The Paynter family and their attorney Mr. Brad Eiden were present during the review of the citations issued to Mr. Mark Hofstetter R.Ph. Both Mrs. Paynter and Mr. Eiden gave testimony concerning the error that occurred. Mr. Hofstetter also testified on his own behalf.

Regarding citations #3724 & #3725 issued to Bonner General Hospital and Maria Prince, R.Ph., respectively. Frank Casabonne made a motion to drop both citations. Seconded by Dr. Silcock. Motion unanimously carried. Mr. Sheffler abstained.

Mr. Kent Nelson, A.G. indicated that citations issued could result in fines and or letters of reprimand. Suspensions and revocations must be addressed by more formal action e.g. stipulations and board orders.

Regarding citation #2139 issued to Medicine Man Prairie Pharmacy: Frank Casabonne made motion to table citation until personal or written comment could be received from Mr. Barry Feely, R.Ph. owner. Kitty Gurnsey seconded. Motion carried. Mr. Sheffler and Mr. Merrill abstained. Mr. Markuson will contact Mr. Feely regarding the Board's decision.

Mr. Markuson reminded the Board to avoid discussing any case under investigation with parties involved. Any questions or inquiries should be directed to the board office.

Mr. Roger Gable, Deputy Attorney General presented the Stipulation and Board Order on Carl Wurster, M.D. Mr. Casabonne made a motion to accept as written. Second by Dr. Silcock. Ms. Gurnsey abstained. Motion carried.

Mr. Markuson indicated that funding has been approved for the re-codification of Board Rules. This will be included in the 2003-2004 budget. Mr. Markuson provided copies of the first draft by the Attorney Generals office. Mr. Markuson also indicated he had completed his review of the rules.

The Board reviewed House Concurrent Resolution No. 17. The Resolution has passed and directs the Board of Pharmacy and the Department of Health and Welfare to develop statutory and/or rule changes as necessary to allow licensed assisted living facilities to return unused, unopened medications to the dispensing pharmacy for credit. Mr. Markuson indicated the integrity of the medications must be maintained to be able to be returned.

Ms. Jo An Condie, Executive Director Idaho State Pharmaceutical Association, expressed concern over the issue of accepting return medication from assisted living facilities. She believes there are too many details that need to be addressed between all the agencies involved. Mr. Nelson suggested requiring a licensed person at the assisted living facilities to be responsible for the medications. Mr. Nelson commented that the Board could be at risk if no action was taken, and that the Board should consider criteria stringent enough to adequately ensure public safety, including consideration of whether to require a licensed person at the assisted living facilities to be responsible for the medications in a similar fashion as required in licensed nursing homes.

Mr. Kent Nelson asked for a motion from the Board to rescind the Temporary Rule rescheduling GHB and Buprenorphine upon HB 237 becoming effective. Kitty Gurnsey motioned to approve. Seconded by Frank Casabonne. Motion unanimously carried.

Mr. Markuson indicated the rules submitted to the legislature by the Board have been approved and will take effect on Sine Die.

Mr. Markuson addressed Homeland Security and provided information to each Board member from Travis Best, Program Manager for Southwest District Health. They will be requesting pharmacists to volunteer in the event of a bioterrorism incident. Trisha Killingsworth ISHP indicated she is involved with Homeland Security on the national level and does have some information available.

The Board reviewed both the current and 2003-2004 budget.

The next Board meeting was scheduled for June 12, 2003 in Coeur d’Alene. Jo An Condie ISPA will provide a room for the meeting.

Fred Collings Board Investigator will attend the Twelfth Pharmaceutical Drug Diversion Conference in Philadelphia, PA May 12-14, 2003.

Meeting Adjourned.

Minutes of this meeting respectfully submitted by Lisa Culley and Richard Markuson.

Chairman

Vice-Chairman

Member

Member

Executive Director

Member